



Sheppard, Mullin, Richter & Hampton LLP
30 Rockefeller Plaza
New York, New York 10112-0015
212.653.8700 main
212.653.8701 fax
www.sheppardmullin.com

212.634.3095 direct
dlbrown@sheppardmullin.com

September 22, 2020

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: Boyce v. Weber, Case No. 19-cv-03825 (JMF) (SN) /
Report on Mediation and Request For Extension

Dear Judge Furman:

The letter is jointly submitted by the parties to the above-entitled action to report on their agreement to mediate, and to seek an extension of the pretrial deadline.

In the Court's September 1, 2020 Order [Dkt. #122], the Court stated, among other things:

[T]he Court is of the view that the parties should try to settle this case without the need for an expensive and potentially ugly trial. To that end, the Court directs the parties **to confer immediately** about the prospect of settlement and conducting a settlement conference before the Magistrate Judge Netburn (or before a mediator appointed by the Court or retained privately). If the parties agree that a settlement conference would be appropriate, they should promptly advise the Court and, if needed, seek an appropriate referral and extension of the pretrial deadlines

[Dkt. #122 at 4 (bold in original)].

The parties have complied with the letter and spirit of the Court's directive. To wit, the parties immediately conferred about the prospect of a mediation and agreed to attempt to find a private mediator acceptable to both sides. Although it took some time, the parties are pleased to report that we were able to agree on a mediator – Marlene Quintana, Esq. – and a date for mediation – October 10, 2020, a Saturday – notwithstanding the challenges of finding someone acceptable to both sides with availability in the immediate time frame on short notice.

In addition and given the foregoing, the parties jointly request an extension of the pretrial deadline, which is currently October 16, for several reasons beyond the need to prepare for and



The Honorable Jesse M. Furman
Page 2

meaningfully participate in the October 10, 2020 mediation and beyond the challenge of preparing for a trial given Covid-19.

First, counsel for both parties are presently enmeshed in expert discovery regarding four different plaintiffs in the matter entitled *Ardolf v. Weber*, No. 18 civ. 12112, pending before Judge Daniels. We continue to work hard in two cases with five plaintiffs, under tight deadlines. Second, as the summary judgment and Daubert papers suggest, there is no shortage of complex factual and legal issues at play in this case requiring extensive pre-trial work and comprehensive motions in limine, including with respect to the non-party accusers proffered by Plaintiff that were the subject of prior joint letters and a Court Order [Dkt #19].

For the foregoing reasons, which include the needs to prepare and meaningfully participate in mediation, the parties jointly request that the pretrial deadline be extended to 45 days after the October 10, 2020 mediation, that is, through November 24, 2020.

Sincerely,

A handwritten signature in black ink, appearing to be "DLB".

Daniel L. Brown
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

The application is GRANTED. The Clerk of Court is directed to terminate ECF No. 124. SO ORDERED.

A handwritten signature in black ink, appearing to be "JMF".

September 22, 2020